

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES H. GORBEY, JR.,
Administrator of the Estate of
Marissa Rose Fishman, Deceased,

Plaintiff,

v.

C.A. No. 05-211 KAJ

RICHARD LONGWILL,
BARBARA LONGWILL,
AIR BASE CARPET MART, INC.
d/b/a Air Base Distributing, Inc. d/b/a
Air Base Carpet Mart, AIR BASE
DISTRIBUTING, INC., ASHLAND
CONSTRUCTION COMPANY, INC.,
JOSEPH RIZZO & SONS
CONSTRUCTION, VINCENT RIZZO
CONSTRUCTION CO., INC.,
d/b/a Ashland Construction Co., Inc.,
JOSEPH V. RIZZO, VINCENT RIZZO,

JURY TRIAL DEMANDED

Defendants.

**DEFENDANTS', ASHLAND CONSTRUCTION COMPANY, INC.,
VINCENT RIZZO CONSTRUCTION CO., INC., d/b/a ASHLAND
CONSTRUCTION CO., INC. JOSEPH V. RIZZO, AND VINCENT RIZZO,
MOTION FOR PARTIAL SUMMARY JUDGMENT
AS TO CHOICE OF LAW AND DAMAGES**

Defendants Ashland Construction Company, Inc., Vincent Rizzo Construction Co., Inc.,
d/b/a Ashland Construction Co., Inc., Joseph V. Rizzo, and Vincent Rizzo respectfully move,
pursuant to Fed. R. Civ. P. 56, for summary judgment.

The grounds for this motion are set forth in the accompanying opening brief. An
appropriate form of Order is attached.

Respectfully submitted,
MURPHY SPADARO & LANDON

/s/ Chase T. Brockstedt
ROGER D. LANDON (ID #: 2460)
CHASE T. BROCKSTEDT (ID #: 3815)
1011 Centre Road, Suite 210
Wilmington, DE 19805
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Attorneys for Defendants
Ashland Construction Company, Inc.,
Vincent Rizzo Construction Co., Inc.,
d/b/a Ashland Construction Co., Inc.
Joseph V. Rizzo, and Vincent Rizzo

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NOTICE OF MOTION

PLEASE TAKE NOTICE that Defendants', Ashland Construction Company, Inc.,
Vincent Rizzo Construction Co. Inc., d/b/a Ashland Construction Co., Inc., Joseph V. Rizzo, and
Vincent Rizzo, Motion for Partial Summary Judgment as to Choice of Law and Damages will be
presented to the Court at its convenience.

MURPHY SPADARO & LANDON

/s/ Chase T. Brockstedt

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CHASE T. BROCKSTEDT (ID #: 3815)
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Attorneys for Defendants
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Joseph V. Rizzo, and Vincent Rizzo

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CONSTRUCTION COMPANY, INC.,
JOSEPH RIZZO & SONS
CONSTRUCTION, VINCENT RIZZO
CONSTRUCTION CO., INC.,
d/b/a Ashland Construction Co., Inc.,
JOSEPH V. RIZZO, VINCENT RIZZO,

JURY TRIAL DEMANDED

Defendants.

ORDER

AND NOW, this _____ day of _____, 2006, upon
consideration of Defendants', Ashland Construction Company, Inc., Vincent Rizzo Construction
Co. Inc., d/b/a Ashland Construction Co., Inc., Joseph V. Rizzo, and Vincent Rizzo, Motion and
Opening Brief in Support for Partial Summary Judgment as to Choice of Law and Damages, any
response thereto, and all other matters of record, it is hereby ORDERED and DECREED that
Defendants', Ashland Construction Company, Inc., Vincent Rizzo Construction Co. Inc., d/b/a
Ashland Construction Co., Inc., Joseph V. Rizzo, and Vincent Rizzo, is GRANTED.

The Honorable Kent A. Jordan

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CONSTRUCTION CO., INC.,
d/b/a Ashland Construction Co., Inc.,
JOSEPH V. RIZZO, VINCENT RIZZO,

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Chase T. Brockstedt, Esq., do hereby certify that on this 17th day of April, 2006, two copies of the foregoing DEFENDANTS', ASHLAND CONSTRUCTION CO., INC., VINCENT RIZZO CONSTRUCTION CO., INC., d/b/a ASHLAND CONSTRUCTION CO., INC., JOSEPH V. RIZZO AND VINCENT RIZZO MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO CHOICE OF LAW AND DAMAGES, were e-filed and delivered in the manner indicated to the following individual(s):

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